

JC10 Rec'd PCT/PTO 19 JUL 2005

FORM PTO 1390  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

HUBR-1271

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/509,586

INTERNATIONAL APPLICATION NO.

PCT/EP03/03501

INTERNATIONAL FILING DATES

April 3, 2003

PRIORITY DATE CLAIMED

USE OF CREATINE PYRUVATE FOR INCREASING STAMINA DURING HIGHLY  
INTENSIVE INTERMITTENT PHYSICAL EXERTION

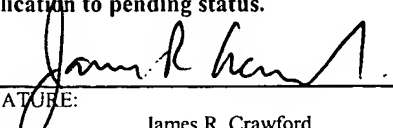
APPLICANT(S) FOR DO/EO/US Jager, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other informationX

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).(unsigned)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="text-align: center;">10/509,586</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/EP03/03427</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">DNAG-290</div>																																																											
17. <input type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) – (5)):</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO And International Search Report not prepared by the EPO or JPO ..... \$1040.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report will be prepared by the EPO or JPO ..... \$900.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO ..... <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div> Surcharge of \$ _____ for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		<b>CALCULATIONS PTO USE ONLY</b> <div style="border: 1px solid black; height: 150px; width: 100%;"></div>																																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td style="text-align: center;">20 =</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">1-3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X</td> <td>\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(s) (if applicable)</td> <td style="text-align: center;">X</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above Are reduced by 1/2.         </td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$</td> </tr> <tr> <td colspan="4">           Processing fee of \$ _____ For furnishing the English translation later than  <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +         </td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> </tr> <tr> <td colspan="4">           Fee for recording the enclosed assignment (37 CFR 1.21 (h)). Assignment Must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31) +            ( _____ Per property).         </td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	20 =			\$	Independent claims	1-3 =	0	X	\$	MULTIPLE DEPENDENT CLAIM(s) (if applicable)			X	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above Are reduced by 1/2.				\$	<b>SUBTOTAL =</b>				\$	Processing fee of \$ _____ For furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +				\$	<b>TOTAL NATIONAL FEE =</b>				\$	Fee for recording the enclosed assignment (37 CFR 1.21 (h)). Assignment Must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31) + ( _____ Per property).				\$	<b>TOTAL FEES ENCLOSED =</b>				\$	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%; text-align: right;"><b>Amount to be Refunded:</b></td> <td style="width: 20%; text-align: center;">\$</td> </tr> <tr> <td style="text-align: right;"><b>Charged:</b></td> <td style="text-align: center;">\$</td> </tr> </table>	<b>Amount to be Refunded:</b>	\$	<b>Charged:</b>	\$
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<input type="checkbox"/> A check in the amount of \$ _____ b. <input type="checkbox"/> Please charge my Deposit Account No. <u>50-0624</u> in the amount of \$ _____ To cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required or credit Any overpayment to my Deposit Account No. <u>50-0624</u> . A duplicate copy of this sheet is enclosed.																																																													
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b>																																																													
SEND ALL CORRESPONDENCE TO: Customer No. 24972 (212) 318-3000 FULBRIGHT & JAWORSKI L.L.P. 666 Fifth Avenue New York, New York 10103 Customer No. 24972		SIGNATURE:  <div style="text-align: center;">James R. Crawford</div> NAME _____																																																											
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Rec'd PCT/PTO

19 JUL 2005

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In an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450

On July 19, 2005

By Eileen Sheffield

*Eileen Sheffield*



## UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO

19 JUL 2005

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,586	Klaus-Dieter Nittel	DNAG-290

INTERNATIONAL APPLICATION NO.
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PCT/EP03/03427

LA. FILING DATE	PRIORITY DATE
04/02/2003	04/04/2002

24972

FULBRIGHT & JAWORSKI, LLP  
 666 FIFTH AVE  
 NEW YORK, NY 10103-3198

CONFIRMATION NO. 2531

371 FORMALITIES LETTER



\*OC000000016290181\*

Date Mailed: 06/22/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/29/2004
- Copy of the International Search Report filed on 09/29/2004
- Preliminary Amendments filed on 09/29/2004
- Information Disclosure Statements filed on 09/29/2004
- Request for Immediate Examination filed on 09/29/2004
- U.S. Basic National Fees filed on 09/29/2004
- Priority Documents filed on 09/29/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Date: 06/22/05

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,586	PCT/EP03/03427	DNAG-290

FORM PCT/DO/EO/905 (371 Formalities Notice)